IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.385 OF 2005

Shri Pille Ganapati V. ..Petitioner.

V/s.

The Nashik Road Deolali Vyapari Sahakari Bank Ltd.,Nashik Road & Anr. ..Respondents.

Mr.Nitin V. Gangal for petitioner.

Mr.K.S.Patil for respondent No.1.

Mrs. Sundari Vanniya Permual Pillai, wife of accused is present.

Ms.M.M.Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J
DATE : NOVEMBER 18, 2005.

P.C. :

1. Mr.K.S.Patil appears for respondent No.1

2. Counsel for the petitioner has tendered affidavit sworn by Mrs. Sundari Vanniya Permual dated 18th November, 2005 and has placed on record the fact that amicable settlement has been arrived at between the parties, which is reduced into writing in the form of Consent Terms duly signed by the parties dated 27th October, 2005. In fact the petitioner has already paid the entire outstanding amount to the respondent No.1, which position is fortified from the letter issued by authorised officer of the respondent

No.1 dated 9th November, 2005. As there are no dues, respondent No.1 has no objection to compound the offence, for which petitioner has been convicted and sentenced to undergo imprisonment.

3. In exercise of powers under section 320(6) of the Code of Criminal Procedure as agreed between the parties, the offence registered against the petitioner, being Summary Criminal Case No.69 of 2002 before the Judicial Magistrate First Class, Nashik Road is allowed to be compounded. In other words, order of conviction and sentence passed by the trial court as confirmed by the Appeal Court will have to be treated as erased from the record.

4. Petition is disposed of on the above terms by consent.

5. Authorised officer of respondent No.1 is personally present in the court and has accepted the fact that parties have amicably resolved all the disputes and the respondent No.1 has received all the outstanding claims for which no dues certificate has been issued in favour of the petitioner. That statement is accepted.

6. In view of this order, petitioner be released forthwith and bond, if any, be cancelled.